

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 3, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Bernie Heier, Vice Chair
Larry Hudkins
Ray Stevens

Commissioners Absent: Bob Workman, Chair
Kathy Campbell

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 26, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk or can be accessed at <http://www.ci.lincoln.ne.us>)

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated November 26, 2002. Hudkins and Heier voted aye. Stevens abstained from voting. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. The Commissioners Award of Excellence for November, 2002 was presented to Kristin Arrowsmith, a Nursing Assistant I, at Lancaster Manor.

Kelly Moore Guenzel Handlos, Clerk of the District Court, appeared and requested an item be added to the agenda as an emergency.

MOTION: Hudkins moved and Stevens seconded to allow presentation of the emergency item. Heier, Stevens and Hudkins voted aye. Motion carried.

Handlos disseminated documentation regarding a Lektriever file (Exhibit 1) and explained that a service technician had inspected it, however, he determined that due to age and condition the file was beyond repair. Handlos stated each Lektriever holds approximately 5,000 files. Those files are now in boxes within the Clerk of the District Court's office and in the hallways. Retrieving a file, Handlos stated, takes about 20 minutes. Approximate cost of a new file was \$20,000.

David Johnson, Deputy County Attorney, briefed the County Board on bidding requirements in an emergency situation, noting that the requirements may be waived by a majority vote of the members of the Board. The emergency, he said, has to be of the nature which threatens serious loss of life, health or property in the County.

Hudkins indicated that Don Killeen, County Property Manager, should be notified of the situation because of weight requirements in relation to the floor.

MOTION: Hudkins moved and Stevens seconded to declare an emergency and request the Clerk of the District Court, the Purchasing Agent and Don Killeen, County Property Manager, to proceed with securing another file.

Hudkins suggested that there may be files which are stronger or lighter and of larger capacity which the Board may be willing to consider as long as the floor can handle the weight.

In response to a question asked by Stevens, Dave Kroeker, Budget & Fiscal Director, stated funding for the purchase could come from the Building Fund. He added that they could possibly do a lease/purchase agreement through NACO (Nebraska Association of County Officials).

ROLL CALL: Stevens, Heier and Hudkins voted aye. Motion carried.

3) **PUBLIC COMMENT:**

Robert VanValkenburg, 7921 Reno Road, Lincoln, Nebraska, appeared and discussed concerns regarding the Lancaster Event Center.

4) **CLAIMS: Approval of all claims processed through Tuesday, December 3, 2002.**

MOTION: Stevens moved and Hudkins seconded approval of all claims processed through December 3, 2002. Hudkins, Stevens and Heier voted aye. Motion carried.

5) **NEW BUSINESS:**

A. A resolution in the matter of Comprehensive Plan Conformity Number 02010: Lancaster County Road and Bridge Construction Program, Fiscal Years 2003 and 2004-2008. (R-02-0140)

MOTION: Hudkins moved and Stevens seconded approval of Resolution 02-0140 in the matter of Comprehensive Plan Conformity Number 02010: Lancaster County Road and Bridge Construction Program, Fiscal Years 2003 and 2004-2008. Hudkins, Stevens and Heier voted aye. Motion carried.

B. An agreement with Butler County for the safekeeping, care and sustenance of juveniles from Butler County. Butler County shall pay Lancaster County \$200 per day for each juvenile held at the Juvenile Detention Center. The agreement becomes effective upon execution by both parties and is subject to review every September. Either party may terminate the agreement by giving 30 days written notice. (C-02-0571)

MOTION: Stevens moved and Hudkins seconded approval of an agreement with Butler County for the safekeeping, care and sustenance of juveniles from Butler County. Butler County shall pay Lancaster County \$200 per day for each juvenile held at the Juvenile Detention Center. The agreement becomes effective upon execution by both parties and is subject to review every September. Either party may terminate the agreement by giving 30 days written notice. Stevens, Hudkins and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

C. A contract with Land Construction Inc. for channel protection at County Structure Y-74 on Project 03-17 which is generally located in the area of Pella Road and Firth Road. The County shall pay \$17,864.39 for the services. The work shall be completed by April 4, 2003. (C-02-0572)

MOTION: Hudkins moved and Stevens seconded approval of a contract with Land Construction Inc. for channel protection at County Structure Y-74 on Project 03-17 which is generally located in the area of Pella Road and Firth Road. The County shall pay \$17,864.39 for the services. The work shall be completed by April 4, 2003. Heier, Hudkins and Stevens voted aye. Motion carried.

D. A service agreement between the Lancaster County Assessor's Office and Standard Register for maintenance and service on an electric signing machine. The charge for this service agreement is \$198.48. Term of the agreement is for a one year period, beginning in January 1, 2003 and ending December 31, 2003. (C-02-0574)

VanValkenburg appeared and urged the Board to use judicious care relating to the service agreement.

In response to a question asked by Hudkins, Norm Agena, County Assessor, explained that the machine was old and it could be replaced for approximately \$4,500, however, it costs less to enter into a maintenance agreement than what it would cost for a service call. Agena stated it is his intent to use a digitized signer in the future.

MOTION: Stevens moved and Hudkins seconded approval of a service agreement between the Lancaster County Assessor's Office and Standard Register for maintenance and service on an electric signing machine. The charge for this service agreement is \$198.48. Term of the agreement is for a one year period, beginning in January 1, 2003 and ending December 31, 2003. Stevens, Heier and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

E. An agreement with KPMG, LLP for the preparation of the Medicare Form HCFA 2088-92-A cost report for the fiscal year ended June 30, 2002 for the Community Mental Health Center. The County shall pay \$3,800 for the preparation and submission of the cost report. (C-02-0573)

MOTION: Hudkins moved and Stevens seconded approval of an agreement with KPMG, LLP for the preparation of the Medicare Form HCFA 2088-92-A cost report for the fiscal year ended June 30, 2002 for the Community Mental Health Center. The County shall pay \$3,800 for the preparation and submission of the cost report. Heier, Stevens and Hudkins voted aye. Motion carried.

F. An agreement with Speece Lewis for the review of shop drawings and the provision of construction consultation for Project BR-3300(2), Control Number 12499, generally located at Roca Northwest, which is a three span continuous concrete slab bridge. The County will pay the contractor \$184.78 for shop drawings and \$357 for construction consultation. (C-02-0575)

MOTION: Stevens moved and Hudkins seconded approval of an agreement with Speece Lewis for the review of shop drawings and the provision of construction consultation for Project BR-3300(2), Control Number 12499, generally located at Roca Northwest, which is a three span continuous concrete slab bridge. The County will pay the contractor \$184.78 for shop drawings and \$357 for construction consultation. Stevens, Hudkins and Heier voted aye. Motion carried.

G. An application for Community Development Block Grant (CDBG) economic development funds through the Nebraska Department of Economic Development for Archer Daniels Midland (ADM) rail tracks to enable ADM to compete effectively with the rest of the industry. The CDBG funds in the amount of \$500,000 will be loaned to ADM with ADM contributing \$2,500,000. Approval of a related memorandum of understanding for the CDBG grant fund loan to ADM between the Nebraska Department of Economic Development, ADM and Lancaster County. ADM will create 15 jobs which must be maintained for 36 months. (C-02-0576 and C-02-0578)

5) **NEW BUSINESS CONTINUED:**

VanValkenburg asked for an explanation regarding New Business Items 5G and 5H.

David Johnson, Deputy County Attorney, explained that Federal monies are given to the State of Nebraska which are applied for, through a grant, by Lancaster County. If the grant is approved the monies would then be loaned to ADM. He stated ADM must create 15 new jobs and those jobs must be maintained for 36 months. Should ADM not create and maintain those jobs, ADM would be in default with regard to the loan.

Johnson requested that New Business Items 5G and 5H be held to allow for further review.

By direction of the Chair, New Business Items 5G and 5H were held until such time that the County Attorney's Office places them back on the agenda.

H. Promissory note and loan agreement with Archer Daniels Midland (ADM) for a \$500,000 loan made by the County to Archer Daniels Midland. ADM will create jobs in the County and should it default the loan will be repaid in 60 monthly payments with a six percent interest rate. (C-02-0577 and C-02-0579)

This item was held at the request of the County Attorney's Office.

I. A resolution relating to the construction of a Federal Aid project whereby the County agrees to provide the necessary funds to pay for all costs incurred until Federal funds are allowed and paid, in the amount of \$563,983.95. Furthermore the resolution provides for the award of bid for Project BR-3300(2) to MCC, LLC, Omaha, Nebraska and also authorizes the Chair to sign the contracts for the project listed herein. (R-02-0139)

Johnson gave a brief explanation regarding the resolution, noting he would be pursuing a change order to add additional, standard contract language.

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of Resolution 02-0139 relating to the construction of a Federal Aid project whereby the County agrees to provide the necessary funds to pay for all costs incurred until Federal funds are allowed and paid, in the amount of \$563,983.95. Furthermore the resolution provides for the award of bid for Project BR-3300(2) to MCC, LLC, Omaha, Nebraska and also authorizes the Chair to sign the contracts for the project listed herein.

VanValkenburg appeared and suggested the Board obtain an irrevocable letter of intent from the Federal agency.

ROLL CALL: Heier, Stevens and Hudkins voted aye. Motion carried.

J. Reappointment of Bernie Heier as Director to the District Energy Corporation for a two year term, beginning January, 2003.

MOTION: Hudkins moved and Stevens seconded approval of the reappointment of Bernie Heier as Director to the District Energy Corporation for a two year term, beginning January, 2003.

Bob Valentine, 2660 Park Avenue, Lincoln, Nebraska, appeared and objected to the reappointment.

ROLL CALL: Hudkins and Stevens voted aye. Heier abstained from voting. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. A resolution approving Comprehensive Plan Amendment No. 02001, requested by the Director of Planning, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan sections regarding land use, transportation, parks and recreation and utilities, to reflect the needed improvements to serve the E-3 subarea generally located between 84th Street and 120th Streets, from South of Pioneers Boulevard to "O" Street, as inside the future service limit. (R-02-0141)

6) **CONSENT ITEMS CONTINUED:**

- B. A resolution approving Comprehensive Plan Amendment No. 02002.2, requested by the University of Nebraska-Lincoln, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to modify the land use designation for the Downtown Campus and the East Campus area to reflect current boundaries and future expansion of the University. (R-02-0142)**
- C. A resolution approving Comprehensive Plan Amendment No. 02002.4 requested by Kent Seacrest on behalf of Connie Heier and Patricia Slaughter, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change 215 acres from Agriculture to Low Density Residential, on property generally located at South 112th to 120th Street, south of Old Cheney Road. (R-02-0143)**
- D. A resolution denying Comprehensive Plan Amendment No. 02002.8, requested by Arvid and Wava Wunderlich and Cornhusker Energy Lexington, L.L.C., to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change 140 acres from Agriculture and Agriculture Stream Corridor to Industrial, on property generally located at North 162nd Street and Highway 6. (R-02-0144)**
- E. A resolution approving Comprehensive Plan Amendment No. 02002.11, requested by Brian D Carstens and Associates on behalf of Krein Real Estate, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change property from Public and Semi-Public to Commercial, generally located approximately one block southeast of South 70th Street and "O" Street. (R-02-0145)**
- F. A resolution approving Comprehensive Plan Amendment No. 02002.12, requested by J. Michael Rierden on behalf of Lincoln Federal Savings Bank, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to move the Community Center designation 1/2 mile north of 40th Street and Rokeby Road, and to designate a new Commercial Neighborhood Center, generally located southeast of South 27th Street and Yankee Hill Road. (R-02-0146)**

6) **CONSENT ITEMS CONTINUED:**

- G. A resolution approving Comprehensive Plan Amendment No. 02002.14, requested by Kent Seacrest on behalf of Land Construction, Inc., to amend the 2025 Lincoln/Lancaster Comprehensive Plan to change 257 acres from Commercial to Industrial, on property generally located at S.W. 56th Street, south of "O" Street. (R-02-0147)**
- H. A resolution approving Comprehensive Plan Amendment No. 02003, requested by the Director of Planning at the request of the Director of Parks and Recreation, to amend the "Future Conditions: Parks, Recreation and Open Space" section of the 2025 Lincoln/Lancaster County Comprehensive Plan to correct the text regarding the description of Neighborhood Parks relating to the number of acres comprising a typical Neighborhood Park site. (R-02-0148)**

Heier requested that Consent Items 6A and 6C be heard separately.

VanValkenburg requested Consent Items 6B and 6C be removed from the consent agenda and be given a formal hearing.

MOTION: Hudkins moved and Stevens seconded approval of the Consent Items, with the exception of Consent Item 6A and 6C. Stevens, Hudkins and Heier voted aye. Motion carried.

Heier declared a possible conflict of interest regarding Consent Item 6A.

MOTION: Hudkins moved and Stevens seconded approval of Consent Item 6A: Resolution 02-0141 approving Comprehensive Plan Amendment No. 02001, requested by the Director of Planning, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan sections regarding land use, transportation, parks and recreation and utilities, to reflect the needed improvements to serve the E-3 subarea generally located between 84th Street and 120th Streets, from South of Pioneers Boulevard to "O" Street, as inside the future service limit. Hudkins and Stevens voted aye. Heier abstained from voting. Motion carried.

Heier declared a conflict of interest regarding Consent Item 6C.

6) **CONSENT ITEMS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of Consent Item 6C: Resolution 02- 0143 approving Comprehensive Plan Amendment No. 02002.4 requested by Kent Seacrest on behalf of Connie Heier and Patricia Slaughter, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change 215 acres from Agriculture to Low Density Residential, on property generally located at South 112th to 120th Street, south of Old Cheney Road. Hudkins and Stevens voted aye. Heier abstained from voting. Motion carried.

7) **ANNOUNCEMENTS:**

VanValkenburg appeared and addressed concerns regarding program content on 5-City TV. He added that some of the programming is not in the best interests of the City, the County or the State.

8) **ADJOURNMENT:**

MOTION: Hudkins moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:38 p.m. Heier, Hudkins and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 3, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bernie Heier, Vice Chair
Larry Hudkins
Ray Stevens

Commissioners Absent: Bob Workman, Chair
Kathy Campbell

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting convened at 2:38 p.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 26, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated November 26, 2002. Hudkins and Heier voted aye. Stevens abstained from voting. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Nebraska Annual Conference of the United Methodist Church
School Sisters of Christ the King

MOTION: Stevens moved and Hudkins seconded approval of the motor vehicle tax exemptions. Stevens, Heier and Hudkins voted aye. Motion carried.

4) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

Cherrie Drinkwalter

Norm Agena, County Assessor, recommended a new value of \$ 8,841.

Koozer Storage Inc. (2 notices)

Agena recommended a new value of \$400 on Parcel I.D. 16-26-200-055-000 and a new value of \$16,067 on Parcel I.D. 16-26-200-056-000.

MOTION: Hudkins moved and Stevens seconded to accept the County Assessor's recommendations and set a new value of \$8,841 for Cherrie Drinkwalter, a new value of \$400 on Parcel I.D. 16-26-200-055-000 (Koozer Storage Inc.) and a new value of \$16,067 on Parcel I.D. 16-26-056-000 (Koozer Storage Inc.). Hudkins, Stevens and Heier voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Hudkins moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:41 p.m. Hudkins, Stevens and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk